

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 28, 2006

AMENDED IN ASSEMBLY JUNE 26, 2006

AMENDED IN SENATE MAY 9, 2006

AMENDED IN SENATE APRIL 27, 2006

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1548

Introduced by Senator Murray

February 23, 2006

An act to add Section 25503.55 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1548, as amended, Murray. Alcoholic beverages: tastings.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

The Alcoholic Beverage Control Act permits an on-sale retail licensee of wine or distilled spirits to instruct retail consumers regarding wine or distilled spirits. Under existing law this instruction may include the furnishing of up to 3 tastings of wine or distilled spirits, in limited quantities, to any individual in one day.

This bill would additionally permit beer manufacturers, *licensed beer and wine importers general*, and beer and wine wholesalers to instruct consumers regarding beer, respectively. This bill would allow the instruction to include the furnishing of tastings under specified conditions. This bill would limit the amount of instructions that include tastings per year and require the beer manufacturers~~and, licensed beer and wine importers general and licensed~~ beer and wine wholesalers to maintain a record of each instruction that included tastings for 3 years, *as provided*.

This bill would additionally provide that the failure to comply with these requirements shall be a presumed violation of specific tied-house restrictions within the Alcoholic Beverage Control Act. By expanding the definition of an already existing crime, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25503.55 is added to the Business and
- 2 Professions Code, to read:
- 3 25503.55. (a) A beer manufacturer~~or a, a licensed beer and~~
- 4 *wine importer general, or a licensed* beer and wine wholesaler
- 5 may instruct consumers or conduct courses of instruction for
- 6 consumers, on the subject of beer, including, but not limited to,
- 7 the history, nature, values, and characteristics of beer, and the
- 8 methods of presenting and serving beer. A beer manufacturer or
- 9 a beer and wine wholesaler may conduct such instructions at the
- 10 premises of a retail on-sale licensee authorized to sell beer.
- 11 (b) The instruction of consumers regarding beer may include
- 12 the furnishing of tastes of beer to an individual of legal drinking
- 13 age. Beer tastes *at any individual course of instruction* shall not
- 14 exceed eight ounces of beer per person, *per day*. The tasting
- 15 portion of a course of instruction shall not exceed one hour at any

1 individual licensed retail premises. Tastes of beer may not be
2 served to a consumer in their original container but must be
3 served in an individual glass or cup.

4 (c) All tastes of beer served to a consumer as authorized in
5 subdivision (b) shall be served only as part of the course of
6 instruction and shall be served to the consumer by an employee
7 of the on-sale retail licensee.

8 (d) A beer manufacturer ~~or a, a licensed beer and wine~~
9 ~~importer general, or a licensed beer and wine~~ wholesaler may
10 not hold more than six courses of instruction per calendar year at
11 any individual on-sale retail licensed premises if the courses of
12 instruction includes consumer tastes of beer.

13 ~~(e) A representative of a beer manufacturer or a beer and wine~~
14 ~~wholesaler must be present and authorize any tastes of beer~~
15 ~~conducted at an on-sale retail licensed premises pursuant to this~~
16 ~~section. The representative shall be responsible for paying the~~
17 ~~retailer for the tastes of beer served at any course of instruction.~~
18 ~~Such payment shall not exceed the retail price of the beer.~~

19 (e) (1) *A representative of a beer manufacturer, a licensed*
20 *beer and wine importer general, or a licensed beer and wine*
21 *wholesaler, except as provided in paragraph (2), must be present*
22 *and authorize any tastes of beer conducted at an on-sale retail*
23 *licensed premises pursuant to this section. The representative*
24 *shall be responsible for paying the retailer for the tastes of beer*
25 *served at any course of instruction. Such payment shall not*
26 *exceed the retail price of the beer.*

27 (2) *For purposes of this subdivision, a licensed beer and wine*
28 *wholesaler shall not be a representative of a beer manufacturer*
29 *or a licensed beer and wine importer general.*

30 (f) No on-sale retail licensee shall require one or more courses
31 of instruction pursuant to this section as a requirement to carry a
32 brand or brands of any beer manufacturer or beer and wine
33 wholesaler.

34 (g) *No premium, gift, free goods, or other thing of value may*
35 *be given away in connection with an authorized course of*
36 *instruction that includes beer tastes, except as authorized by this*
37 *division. Failure to comply with the provisions of this section*
38 *shall be presumed to be a violation of* ~~section~~ *Section 25500.*

39 (h) *A retail licensee may advertise the instructional tasting*
40 *event using interior signs visible only within the establishment.*

1 (i) (1) *A beer manufacturer, a licensed beer and wine*
2 *importer general, and a beer and wine wholesaler shall maintain*
3 *an individual record of each course of instruction involving*
4 *tastes of beer for three years.*

5 (2) *Records shall include the date of the tasting, the name and*
6 *address of the retail licensee, and the brand, quantity, and*
7 *payment made for the beer furnished by the beer manufacturer,*
8 *the licensed beer and wine importer general, or the licensed beer*
9 *and wine wholesaler.*

10 ~~(h) A beer manufacturer and a beer and wine wholesaler shall~~
11 ~~maintain an individual record of each course of instruction~~
12 ~~involving tastes of beer for three years.~~

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.